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10/753,204	01/07/2004	Laura M.L. Chan	CA920030031US1	5645
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IBM CORP. (WSM) c/o WINSTEAD SECHREST & MINICK P.C. P.O. BOX 50784 DALLAS, TX 75201				
EXAMINER				
AHMED, AFFAF				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/753,204

Applicant(s)

CHAN ET AL.

Examiner

AFAF AHMED

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SG/IC)
Paper No(s)/Mail Date 09/19/2007 and 01/07/2008
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. This action is in reply to the amendment filed on 02/25/2008.
2. Claims 19-20 have been added.
3. Claims 1-12 have been canceled.
4. Claims 13-20 are currently pending and have been examined.
5. **Examiner's Note:** The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claim 13 is rejected under 35 U.S.C. 102(e) as being anticipated by Jacobi et al, US Pat No: 7,113,917 B2.

As per **claim 13**, Jacobi teaches:

- *defining a personalized web page comprising one or more links to initial product exploration or guided search web pages, the links being based on personalization information for the user (see at least column 2, lines 42-61, column 5, lines 3-28, column 7, lines 61-67 and column 9, lines 57-65) ;*
- *defining the one or more initial product exploration or guided search web pages, each initial product exploration or guided search web page being determined based on personalization information for the user (see at least column 15, lines 59-67 and column 16, lines 1-5);*

Art Unit: 3622

- *each initial product exploration web page comprising an entry point to a set of exploration web pages defined according to product exploration metaphor technology and the set of said exploration web pages being defined with reference to personalization information for the user or each initial guided search web page comprising an entry point to a set of guided search web pages defined according to guided search technology and the set of said guided search web pages being defined with reference to personalization information for the user (see at least column 3, lines 13-34 and column 7, lines 61-67);*
- *providing the defined web pages to the user for display in response to requests from the user (see at least column 7, lines 11-20 and lines 34-39).*

8. Examiner notes that Applicant stated that “*defining a personalized web page comprising one or more links to initial product exploration or guided search web pages*”. It has been held that Language that suggest or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation (MPEP §2106 II C).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobi et al, US Pat 7,113,917 in view of Smith et al, US Pub No: 2002/0010625 A1.

Claims 14-18:

Jacobi discloses the limitations as shown above.

Jacobi does not disclose, but Smith, however does disclose:

- *the personalization information for the user comprises a set of item attributes defined by a personalization system.*
- *each initial product exploration web page comprises a link to a result page.*
- *the result page comprises a result list.*
- *the result list comprises an item attribute table in which attributes of a set of items are grouped to permit comparison by a user.*

See at least paragraphs 16, 23, 48, 167-168, fig 6 and fig 12 with the associated text.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Jacobi's personalized recommendations of items presented within a database with Smith's content personalization during a current browsing session with the motivation of providing consumers with a variety of personalized options to choose from when exploring web-pages to view and/ or purchase products.

Claim 18:

Jacobi discloses the limitations as shown above.

Jacobi does not disclose, but Smith, however does disclose:

- *the set of guided search web pages comprises web pages corresponding to a subset of potential guided search nodes in a guided search tree, the subset being defined with reference to the personalization information for the user (see at least paragraphs 182-189).*

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Jacobi's personalized recommendations of items presented within a database with Smith's content personalization during a current browsing session with the motivation of providing consumers with a variety of personalized options to choose from when exploring web-pages to view and/ or purchase products.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 3622

12. Claims 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith et al US Pub No: 2002/0010625 A1.

As per **claim 19**, Smith teaches:

- *generating a web page comprising a set of links based on personalization information from said user and receiving a selection of one of said set of links (see at least paragraphs 192, 193 and fig 11 with the associated text);*
- *generating an exploration web page based on said selected one of said set of links, wherein said exploration web page comprises a set of product attributes based on personalization information from said user; and receiving a selection of one or more product attributes from said set of product attributes that are of interest to said user (see at least paragraphs 48, 206 and fig 12 with the associated text).*

As per **claim 20**, Smith teaches:

- *receiving an indication from said user to show products (see at least paragraph 61); and*
- *generating a results web page in response to receiving said indication from said user to show products, wherein said results web page comprises a product list having information and one or more links to product web pages for products that meet a criteria based on said selection of one or more product attributes (at least paragraphs 47, 48, 206 and fig 12 with the associated text).*

Response to Arguments

13. Applicant's arguments, filed on 02/25/2008, with respect to the rejection(s) of claims 13-18 under 35 U.S.C. 102(b), have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Jacobi et al, US Pat No: 7,113,917 B2.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Dicker et al, US Pub No: 2003/0105682, teaches interface and methods for recommending items to users.
- Sammon, US Pat No: 6,012,051, teaches consumer profiling system with analytic decision processing.
- Linden et al, US Pub No: 2002/0198882, teaches content personalization based on action during a current browsing session.

Art Unit: 3622

- Linden et al, US Pat No: 6,266,649 teaches collaborative recommendations using item-to-item similarity mappings.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Affaf Ahmed whose telephone number is 571-270-1835. The examiner can normally be reached on Monday - Friday, 8:30 am-6:00 pm est, alt Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached at 571-272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

16. Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AA

/Yehdega Retta/

Primary Examiner, Art Unit 3622